May 6, 2008

Mr. Steven M. Pearson
Vice President, Certification
Election Systems and Software, Inc.
11208 John Galt Boulevard
Omaha, NE 68137

Subject: Application for administrative approval of modifications to the InkaVote Plus Precinct Ballot Counter Voting System

Dear Mr. Pearson:

I have reviewed your application for approval of modifications to the InkaVote Plus Precinct Ballot Counter (PBC) Voting System, Version 2.1, dated April 12, 2008.

As you know, the application asks me to approve proposed modifications to the PBC open file limit within its Linux operating system. The parameter setting change to the Linux operating system will expand the limits.conf file from its default setting of 1,024 open files to 8,192. The modification will also change the value of the file fs.file-max to 16,384. These changes are necessary to enable error-free batch loading of multiple PBC units with the large data and audio files required for the lengthy ballot in the June 3, 2008, Statewide Direct Primary Election.

In January 2007, I denied a similar request based on a lack of sufficient information. ES&S and ILTS, the developer of the PBC Voting System, have now provided written confirmation that the utilities used to load the modified file limit parameters into the PBC units are <u>unchanged</u> from the versions used for the original federal and state certification testing of the voting system and have also provided the code for review.

In consideration of your request, the Secretary of State's Office of Voting Systems Technology Assessment (OVSTA) staff reviewed the code and the technical documentation for this parameter upgrade. Based on the review, OVSTA staff has determined that no additional examination and testing is required by our office.
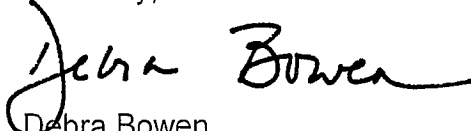
Therefore, in accordance with Section 19213 of the California Elections Code, Election Systems and Software, Inc. is authorized to upgrade the Linux operating system as described in your letter dated April 12, 2008, for its California county clients with the following conditions:

- After loading the first batch of the PBCs and prior to loading the second batch, ES&S and its California county clients (currently, only Los Angeles County) must perform an advance Logic and Accuracy Test on no less than four randomly selected machines to determine that the upgrade was performed correctly.

- Prior to the June 3, 2008, Statewide Direct Primary Election, Los Angeles County will provide a report on the load process and the Logic and Accuracy Test described above to OVSTA via email or facsimile.

If you have any questions or concerns regarding the approval please do not hesitate to contact OVSTA at (916) 653-7244.

Sincerely,

Debra Bowen
Secretary of State

DB:elg:lf